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10/685,616

10/14/2003

Steven I. Carlson

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MOAZZAM & ASSOCIATES, LLC

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SUITE 304

MCLEAN, VA 22102

EXAMINER

EWART, JAMES D

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

03/31/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/685,616

Applicant(s)

CARLSON, STEVEN I.

Examiner

James D. Ewart

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE dated 03/17/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 & 14-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Reponse to Arguments

1. Applicant's arguments filed March 17, 2008 have been fully considered but they are not deemed persuasive. Applicant is being somewhat obscure throughout Applicant's arguments as Applicant simply suggests the claim is not being met and continues to state "Neither ... or ..., nor any other related art of record, alone or in combination, disclose or fairly suggest the present invention as recited in the pending claims, but doesn't ever indicate the limitation not being met and how Applicants invention is an improvement on the prior art. Applicant further states Contractor does not disclose a method network element that obtains location information for a caller during the establishment of a call to a called party; converting the location information to voice information; announcing the voice information to the called party; and forming a connection between the called party and a calling party, however claim 1 does not indicate a network element, but indicates the rest of the limitation indicated above and no other independent claim is similarly worded. Contractor teaches announcing the name of the caller to let the callee know who is calling prior to picking up the phone and states in 0009 that: "When the called party answers the telephone, the service provides an audible announcement containing information regarding the calling party such as the calling party's name, city and state, or the calling party's telephone number. If the called party accepts the call, the parties are connected." The difference between what Applicant claims and Contractor is that Applicant obtains the location information from the GMLC and Contractor obtains the location information from an SCP, which the Examiner finds to be an obvious modification since at the time of Applicants invention it was well known to get location information from the GMLC. The Examiner uses Saha et al in claim 2 to show a teaching of such.

2. Regarding claim 5, Applicant states it wouldn't have been obvious to one of ordinary skill in the art to combine Park who teaches obtaining the name information using Calling Name Address Presentation (CNAP). Contractor as stated above indicates announcing the calling party's name, city and state which could be equated with CNAP, but the Examiner has used the Park reference which specifically states using CNAP.

3. Regarding claims 6, 8 and 9 once again the Applicant states "Neither Brisebois nor Contractor, nor any other related art of record, alone or in combination, disclose or fairly suggest the present invention as recited in the pending claims". The Examiner is confused as to what Applicant believes to be novel. Brisebois teaches obtaining location information for a called party during establishment of a call to the calling party and placing a call between the calling party and the called party. Contractor is in the same field of endeavor of providing location information to determine whether a person on the end of the line wishes to complete the call and in addition converts the location information to audible information and announces the information.

4. Regarding claims 7 and 10, since Contractor and Brisebois are in the same field of endeavor of providing location information to determine whether a person on the end of the line wishes to complete the call. Therefore, in response to Applicant's argument of claim 7 see response to argument for claim 2 in section 1 and for the response to Applicant's argument for claim 10 see the response to Applicant's argument for claim 5 in section 2.

5. Regarding Applicant's arguments for claims 11,14 and 15, once again Applicant states "Neither Benco nor Contractor, nor any other related art of record, alone or in combination, disclose or fairly suggest the present invention as recited in the pending claims". Once again, Examiner is confused as to what Applicant believes to be novel. The Examiner has sited references that provide location information to both the calling party and the calling party and has shown Contractor teaches audible announcing the location information and Benco teaches the structure of claim 11 and all the limitations of claim 11 except for audible announcing the location information and the Examiner has used Contractor reference which is in the same field of endeavor of providing location information to determine whether a person on the end of the line wishes to complete the call and in addition converts the location information to audible information and announces the information. Even if the Contractor reference didn't exist, at the time of the invention, speech synthesis was well known in the mobile industry.

6. Regarding claim 12, since Contractor and Benco are in the same field of endeavor of providing location information to determine whether a person on the end of the line wishes to complete the call. Therefore, in response to Applicant's argument of claim 12 see response to argument for claim 2 in section 1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1,3,4 and 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Contractor et al. (U.S. Patent Publication No. 2002/0085687).

Referring to claim 1, Contractor et al. discloses a method comprising: obtaining location information for a caller during establishment of a call to a called party (0009); converting the location information to voice information (0009); and announcing the voice information to the called party (0009; when the called party answers the telephone, the service provides an audible announcement containing information regarding the calling party such as the calling party's name, city and state); and forming a connection between the called party and the calling party (0009; if the called party accepts the call, the parties are connected).

Referring to claim 3, Contractor et al. further discloses further comprising: forming a connection between the called party and an intelligent peripheral (IP); the IP announcing the voice information over the connection between the called party and the IP (0028; converts alphanumerical textual data to speech and announces converted information retrieved from SCP to subscriber station).

Referring to claim 4, Contractor et al. further discloses obtaining name information for the caller; converting the location information and the name information to the voice information; and announcing the voice information to the called party (0009 information includes name, city and state and 0028).

Referring to claim 16, Contractor et al. discloses a network element (0037; SCP) comprising: a processor (0014 & 0025); at least one port (Figure 1, 158 & 160); and logic that, when applied to the processor, results in converting location information for a calling wireless device (0006) to a voice announcement (0009; information regarding the calling party such as name, state and city & 0028; converts textual data to speech & 0037 SCP instructs SSP to route the call to SN), and interacting via the at least one port with a switch to provide the announcement to at least one called wireless device (0037 SCP instructs SSP to route the call to SN, 0038; called number is a wireless number & 0028; SN announces converted information retrieved from SCP to subscriber station) during the establishment of a call between the calling wireless device (0006) and the called wireless device (0035-0037; places a call to a subscribing station).

Referring to claim 17, Contractor et al. further discloses logic that, when applied to the processor, results in converting name and location information for a wireless device to a voice announcement (0009).

Referring to claim 19, Contractor et al. further discloses logic that, when applied to the processor, results in obtaining via the at least one port name information for the caller from a network element that provides a name service (0006, 0009 and Figure 1, 160) , and providing via the at least one port the name information to a network element (0028; SN) that creates a voice announcement of the name information and the caller's location to a called wireless device (0028; converts textual data to speech).

Referring to claim 18, Contractor et al. discloses a network element (0037; SCP) comprising: a processor (0014 & 0025); at least one port (Figure 1, 158 & 160); and logic that, when applied to the processor, results in the network element becoming involved in the establishment of a call (0037; SCP instructs SSP to route the call to SN), obtaining via the at least one port location information for a caller from a network element that provides location information (0037; information is retrieved from a database stored on or associated with SCP and 0009; information consisting of calling party's name, state and city) and providing via the at least one port the location information to a network element (0028; SN) that creates a voice announcement of the caller's location (0028; converts textual data to speech) and delivers the voice announcement to a called wireless device (0028; announce converted information retrieved from SCP to subscriber station and 0038; called number is a wireless number).

Referring to claim 20, Contractor et al. discloses a network element (0037; SCP) comprising: a processor (0014 & 0025); at least one port (Figure 1, 158 & 160); and logic that, when applied to the processor, results in the network element becoming involved in the establishment of a call (0037; SCP instructs SSP to route the call to SN), and results in obtaining via the at least one port name information for a called party from a network element that provides a name service (0037; information is retrieved from a database stored on or associated with SCP and 0009; information consisting of calling party's name, state and city), and providing via the at least one port the name information to a network element (0028; SN) that creates a voice announcement of the name information and the called party's location (0028; converts textual data to speech) and delivers the voice announcement to a calling wireless device (0028;

announce converted information retrieved from SCP to subscriber station and 0038; called number is a wireless number).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 2 is rejected under 35 USC 103(a) as being unpatentable over Contractor et al. in view of Saha et al. (U.S. Patent No. 6,198,935).

Referring to claim 2, Contractor et al. teaches providing the location information to an intelligent peripheral (IP) and the IP converting the location information to the voice information (0028), but does not teach obtaining the location information from a Gateway Mobile Location Center (GMLC). Saha et al. teaches obtaining the location information from a Gateway Mobile Location Center (GMLC) (Figure 2). Therefore, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teaching of Contractor et al. with the teaching of Saha et al. of obtaining the location information from a Gateway Mobile Location Center (GMLC) to provide an efficient method of determining the location of a mobile station (Column 2, Lines 39-40).

9. Claim 5 is rejected under 35 USC 103(a) as being unpatentable over Contractor et al. in view of Park (U.S. Patent No. 6,434,126).

Referring to claim 5, Contractor et al. teaches the limitations of claim 5, but does not teach obtaining the name information using Calling Name Address Presentation (CNAP). Park teaches obtaining the name information using Calling Name Address Presentation (CNAP) (Column 1, Lines 32-38). Therefore, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teaching of Contractor et al. with the teaching of Park of obtaining the name information using Calling Name Address Presentation (CNAP) to provide identification without having to view the display (Column 1, Lines 40-46).

10. Claims 6,8 and 9 are rejected under 35 USC 103(a) as being unpatentable over Brisebois et al. (U.S. Patent No. 6,310,944) in view of Contractor et al.

Referring to claim 6, Brisebois et al. a method comprising: obtaining location information for a called party during establishment of a call to the called party (0008 and 0039); providing the location of the called party to a calling party (0039); and placing a call between the calling party and the called party (0008), but does not teach converting the location information to voice information; and announcing the voice information. Contractor et al. teaches converting the location information to voice information; and announcing the voice information (0009 and 0028). Therefore, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teaching of Brisebois et al. with the teaching of

Contractor et al. of converting the location information to voice information; and announcing the voice information to provide an improved audio Caller ID system (0008).

Referring to claim 8, Contractor et al. further discloses forming a connection between the calling party and an intelligent peripheral (IP); the IP announcing the voice information over the connection between the calling party and the IP (0028; may convert alphanumerical textual data to speech, may announce converted information retrieved from SCP to subscriber station).

Referring to claim 9, Briseboise further discloses obtaining name information for the called party (0003), but does not teach converting the location information and the name information to the voice information; and announcing the voice information to the calling party. Contractor et al teaches converting the location information and the name information to the voice information; and announcing the voice information to the calling party (0009 information includes name, city and state and 0028). Therefore, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teaching of Brisebois et al. with the teaching of Contractor et al. of converting the location information and the name information to the voice information; and announcing the voice information to the calling party to provide an improved audio Caller ID system (0008).

11. Claim 7 is rejected under 35 USC 103(a) as being unpatentable over Brisebois et al. and Contractor et al. in view of Saha et al. (U.S. Patent No. 6,198,935).

Referring to claim 7, Contractor et al. teaches providing the location information to an intelligent peripheral (IP) and the IP converting the location information to the voice information (0028), but does not teach obtaining the location information from a Gateway Mobile Location Center (GMLC). Saha et al. teaches obtaining the location information from a Gateway Mobile Location Center (GMLC) (Figure 2). Therefore, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teaching of Brisebois et al. and Contractor et al. with the teaching of Saha et al. of obtaining the location information from a Gateway Mobile Location Center (GMLC) to provide an efficient method of determining the location of a mobile station (Column 2, Lines 39-40).

12. Claim 10 is rejected under 35 USC 103(a) as being unpatentable over Brisebois et al. and Contractor et al. in view of Park (U.S. Patent No. 6,434,126).

Referring to claim 10, Brisebois et al. and Contractor et al. teaches the limitations of claim 10, but does not teach obtaining the name information using Calling Name Address Presentation (CNAP). Park teaches obtaining the name information using Calling Name Address Presentation (CNAP) (Column 1, Lines 32-38). Therefore, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teaching of Brisebois et al. and Contractor et al. with the teaching of Park of obtaining the name information using Calling Name Address Presentation (CNAP) to provide identification without having to view the display (Column 1, Lines 40-46).

13. Claims 11,14 and 15 are rejected under 35 USC 103(a) as being unpatentable over Benco et al. (U.S. Patent No. 6,839,022) in view of Contractor et al.

Referring to claim 11, Benco et al. discloses a network comprising: a switch (Figure 4, 414); at least one network element to track the locations of wireless devices that interact with the network (Figure 4, 422); and at least one Intelligent Peripheral (IP) coupled to a Mobile Service Center to convert location information for a wireless device obtained from the at least one network element to track locations (Figure 4, 430 and Column 4, Lines 8-13), and to interact with the switch to provide the converted location to at least one called wireless device (Column 4, Lines 8-13 and Column 9, Lines 58-59); and at least one network element to establish a call between the calling wireless device and the called wireless device (Column 9, Lines 59-63), but does not teach converting the location information into a voice announcement. Contractor et al. teaches converting the location information into a voice announcement (0009 and 0028). Therefore, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teaching of Benco et al. with the teaching of Contractor et al. of converting the location information into a voice announcement to provide an improved audio Caller ID system (0008).

Referring to claim 14, Contractor et al. further teaches at least one network element to obtain name information for the caller; converting the location information and the name information to the voice information; and announcing the voice information to the called party (0009 information includes name, city and state and 0028). Therefore, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teaching

of Benco et al. with the teaching of Contractor et al. of at least one network element to obtain name information for the caller; converting the location information and the name information to the voice information; and announcing the voice information to the called party to provide an improved audio Caller ID system (0008).

Referring to claim 15, Benco et al. further teaches the at least one network element to obtain name information further comprising: a Line Information Database (Figure 2, 234 and Column 9, Lines 57-58). Contractor et al. also teaches obtaining name information from a Line Information Database (0031 and 0037).

14. Claim 12 is rejected under 35 USC 103(a) as being unpatentable over Benco et al. and Contractor et al. in view of Saha et al. (U.S. Patent No. 6,198,935).

Referring to claim 12, Benco et al. teaches at least one network element to track the locations of wireless devices that interact with the network (Figures 2 & 3, 234), but does not teach the network element is a Gateway Mobile Location Center (GMLC). Saha et al. teaches the network element is a Gateway Mobile Location Center (GMLC) (Figure 2). Therefore, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teaching of Benco et al. and Contractor et al. with the teaching of Saha et al. wherein the network element is a Gateway Mobile Location Center (GMLC) to provide an efficient method of determining the location of a mobile station (Column 2, Lines 39-40).

Conclusion

This is a RCE of applicant's earlier Application No. 10/685,616. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James D. Ewart whose telephone number is (571) 272-7864. The examiner can normally be reached on M-F 7am - 4pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone numbers for the organization where this application or proceeding is

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assigned are (571) 273-8300 for regular communications and (571) 273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

/James D Ewart/

Examiner, Art Unit 2617

/William Trost/

Supervisory Patent Examiner, Art Unit 2617